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PATENT
Customer No. 22,852
Attorney Docket No. 5725.0598-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) PRIOR APPLICATION:
Valérie de la POTERIE et al.)
Application No.: 10/773,258) Group Art Unit: 1615
Filed: February 9, 2004) Examiner: L. Channavajjala
For: MASCARA COMPRISING A)
POLYMER DISPERSED IN A)
LIQUID FATTY PHASE)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the issuance of a first Office Action.

Copies of the listed documents are attached. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The listed documents were either cited by the Applicants or the Examiner in parent U.S. Patent Application No. 09/598,637. Applicants are relying on this prior application for benefit of an earlier filing date under 35 U.S.C. § 120. Accordingly, it is not required that copies of the cited documents be provided. 37 C.F.R. § 1.98(d).

With respect to the non-English documents, Applicants submit the following remarks:

1. EP 0 749 746 - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

2. EP 0 749 747 - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

3. FR 2 262 303 - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

4. FR 2 710 646 - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

5. WO 95/15741 - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Patent Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 20, 2004

By: 
Louis M. Troilo
Reg. No. 45,284

INFORMATION DISCLOSURE CITATION

Atty. Docket No.	5725.0598-01	Appln. No.	10/773,258
Applicant	Valérie de la POTERIE et al.		
Filing Date	February 9, 2004	Group:	1615

O I P E JCTV
AUG 20 2004
U.S. PATENT & TRADEMARK OFFICE

U.S. PATENT DOCUMENTS

Examiner Initial*		Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	1	5,711,940	Jan. 27, 1998	Kuentz et al.			
	2	5,851,517	Dec. 22, 1998	Mougin et al.			
	3	5,945,095	Aug. 31, 1999	Mougin et al.			

FOREIGN PATENT DOCUMENTS

		Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
	4	EP 0 497 144	Aug. 5, 1992	Europe			
	5	EP 0 749 746	Dec. 27, 1996	Europe		Abstract	
	6	EP 0 749 747	Dec. 27, 1996	Europe		Abstract	
	7	FR 2 262 303	Sept. 19, 1975	France		Abstract	
	8	FR 2 710 646	Apr. 7, 1995	France		Abstract	
	9	WO 95/15741	Jun. 15, 1995	PCT		Abstract	
	10	WO 98/42298	Oct. 1, 1998	PCT			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	11	Eric A. Grulke, "Solubility Parameter Values", Polymer Handbook, John Wiley & Sons, Third Edition, 1989, pp. 519-559.
	12	Charles M. Hansen, "The Three Dimensional Solubility Parameter - Key to Paint Component Affinities: I. Solvents, Plasticizers, Polymers, and Resins", Journal of Paint Technology, Vol. 39, No. 505, February 1967, pp. 104-117.
	13	English language Derwent Abstract of EP 0 749 746.
	14	English language Derwent Abstract of EP 0 749 747.
	15	English language Derwent Abstract of FR 2 262 303.
	16	English language Derwent Abstract of FR 2 710 646.
	17	English language Derwent Abstract of WO 95/15741.

Examiner	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	